

Magistrate Judge Monica J. Benton



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04-MJ-00294-CMP

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELROY JOHN LAMONT,

Defendant.

MAGISTRATE'S DOCKET NO.  
CASE NO. 04-294M

COMPLAINT for VIOLATION

United States Code Title 18,  
Section 844(c)

BEFORE, Monica J. Benton, United States Magistrate Judge, at Seattle, Washington.

The undersigned complainant being duly sworn states:

**COUNT ONE**

(False Threat Using Explosive Materials via Interstate Commerce)

On or about May 16, 2004, at Darrington, Washington, within the Western District of Washington, ELROY JOHN LAMONT, by means and use of an instrument of *interstate or foreign commerce, that is, the internet*, willfully threatened, and maliciously conveyed false information knowing the same to be false, to wit: ELROY JOHN LAMONT conveyed by the internet a threat to kill, injure or intimidate individuals, and to unlawfully damage or destroy the Darrington Elementary School by means of fire and explosives.

All in violation of Title 18, United States Code, Section 844(e).

**COUNT TWO**

(False Threat Using Explosive Materials via Interstate Commerce)

On or about May 17, 2004, at Darrington, Washington, within the Western District of Washington, ELROY JOHN LAMONT, by means and use of an instrument of interstate or foreign commerce, that is, the internet, willfully threatened, and maliciously conveyed false information knowing the same to be false, to wit: ELROY JOHN LAMONT conveyed by the internet a threat to kill, injure or intimidate individuals, and to unlawfully damage or destroy unidentified buildings belonging to the Darrington School District, by means of fire and explosives.

All in violation of Title 18, United States Code, Section 844(e).

**COUNT THREE**

(False Threat Using Explosive Materials via Interstate Commerce)

On or about May 16, 2004, within the Western District of Washington, ELROY JOHN LAMONT, by means and use of an instrument of interstate or foreign commerce, that is, the internet, willfully threatened, and maliciously conveyed false information knowing the same to be false, to wit: ELROY JOHN LAMONT conveyed by the internet a threat to kill, injure or intimidate individuals, and to unlawfully damage or destroy unidentified buildings belonging to the Arlington School District, by means of fire and explosives.

All in violation of Title 18, United States Code, Section 844(e).

And the Complainant further states as follows:

1. I, Reid Nakamura, am a Special Agent of the Federal Bureau of Investigation (FBI), assigned to the Everett Resident Agency of the Seattle Division. Prior to becoming an FBI Agent, I was employed as a police officer and worked for the Maui Police Department, Maui, Hawaii, for 6 years. I have been employed as a Special Agent for the FBI for 1 year and 10 months. In that capacity, I have been responsible for investigating violations of federal criminal laws.

2. The information set forth in this affidavit is the result of an investigation that I have conducted, together with Special Agent David Farquhar of the FBI Seattle

1 Division's Northwest Cyber Crimes Task Force, Sergeant Rick Hawkins of the  
 2 Snohomish County Sheriff's Office and other law enforcement officers as attributed.

3 **A. May 17, 2004 - (Count 1)**

4       3. On May 17, 2004, at approximately 7:30 a.m., Randall W. Swenson, the  
 5 Superintendent of School for the Darrington School District became aware of an emailed  
 6 bomb threat directed at the Darrington Elementary School. This threatening email was  
 7 sent to 25 staff and faculty members of the Darrington School District.

8       4. I interviewed Superintendent Swenson and other faculty members and  
 9 obtained copies of this email and learned the following: the email was allegedly from an  
 10 email address of "[picard@voila.fr](mailto:picard@voila.fr)" and was sent on May 16, 2004, at 5:40 p.m. The  
 11 emailed threat had the subject header, "Bomb threat to darrington elementary." The  
 12 following is the body of that email:

13       *Hello, i have observed information that there is a highly sophisticated bomb  
 14 hidden in the darrington elemtry grade school, the bomb is set to detonate on monday  
 15 1:30 pm, it is a highly powerful bomb consisting of ammonia nitrate, and high octane  
 16 racing fuel, it has a digital timer attached to it that will set it off at the designated time  
 17 with a electrical charge, i suggest you shut down the school on Monday and have firemen  
 18 and police teams search the buildings, this is a real serious issue and this bomb could  
 19 injure or kill hundreds.*

20 [All spelling as in original message].

21       5. On May, 17, 2004, based on the information in the email, Superintendent  
 22 Swenson closed the Darrington Elementary School. The Washington State Patrol Bomb  
 23 Squad and Snohomish County Sheriff's Office responded to the Darrington Elementary  
 24 School and searched the entire campus, but found no explosives.

25 **B. May 17, 2004 - (Count 2)**

26       6. On May 17, 2004, in the late afternoon, District Superintendent Randall W.  
 27 Swenson received another threatening email. This new email was sent to 5 members of  
 28 the Darrington Schools administrative staff.

1       7. I interviewed Superintendent Randall W. Swenson and other faculty  
 2 members and obtained copies of this second email and learned the following. This  
 3 second email was allegedly received from an email address of  
 4 "[stephane@cyberjoueurs.com](mailto:stephane@cyberjoueurs.com)" and was sent on May 17, 2004 at 8:40 a.m. The subject  
 5 line of this email stated "I have bomb, i will kill you all!" The following is the body of  
 6 the second emailed threat:

7       *Hello, i am Stephane Portha from PARIS FRANCE, i have come to america to kill  
 8 stupid american boys, i have found you school and have put bomb in it and have found i  
 9 can shoot kids with my rifle very easily from the neighborhood and tree covers as they try  
 10 to runs mushs haha! yous wills try to hide and run but i wills gets you alls! forgive me  
 11 bad english i came from france to kill american boys and girls!*

12 [All spelling as in original message].

13       8. Darrington School District Superintendent Randall W. Swenson, decided to  
 14 close all Darrington Schools based on the information and threats contained in the email.

15 **C. May 18, 2004 - (Count 3)**

16       9. On May 18, 2004, Arlington Schools District Superintendent, Linda Byrnes,  
 17 received a bomb threat through her email account with the Arlington Schools. I have  
 18 interviewed Linda Byrnes and obtained a copy of the email and learned the following.

19       10. The email was sent from an email address of [jessicapeterson@wanadoo.nl](mailto:jessicapeterson@wanadoo.nl)  
 20 and was sent on May 18, 2004, at about 10:27 a.m. The subject line of the email stated  
 21 "There is a bomb in your school." The email was sent to twelve staff and faculty  
 22 members of the Arlington School District. The body of the email is as follows:

23       *Hello i am Jessica Peterson of Earth Liberation Front i want to inform you that  
 24 there is a bomb planted somewhere in your school that is an ammonia nitrate bomb with  
 25 high octane fuel that could injure or kill dozens or hundreds of innocent peoples if  
 26 ignited, it has a digital timer on it that will detonate at a designated time of 7:39am  
 27 using electrical charge supplied by a 9.v battery, it is very powerful and could have been  
 28 hidden in a backpack or suitcase. A E.L.F associate is planning this attack for reasons i*

1 *do not know, i suggest you evacuate and close down this school and try to disarm the*  
 2 *device if it has been planted and activated. P.S the bomber will return within 48 hours to*  
 3 *try and plant another bomb and or snipe innocent people.*

4 [All spelling from original message].

5 **D. The Investigation.**

6 11. On May 18, 2004, I interviewed Dayn Brunner, Darrington School District  
 7 Network Administrator. Dayn Brunner told me that he has been working with Special  
 8 Agent David Farquhar of the FBI Seattle Division, Northwest Cyber Crimes Task Force  
 9 to identify the source of the threatening emails. Brunner related that everyone who  
 10 received the threatening emails had their email addresses posted on the Darrington  
 11 Schools website.

12 12. Special Agent Farquhar undertook to trace the source of the threatening  
 13 emails. Special Agent Farquhar first performed an online search using some key words  
 14 contained in the threatening emails. Among other key words, Special Agent Farquhar  
 15 searched under the keyword "Stephane Portha" which was the name of the person who  
 16 claimed to be the author of the second threatening email.

17 13. Special Agent Farquhar discovered numerous hits on the name "Stephane  
 18 Portha" on an online gaming website for the online game called "Graal." "Graal" is an  
 19 online game where different people from all over the globe can interact with each other in  
 20 a virtual world. Special Agent Farquhar told me that he found several postings on  
 21 "Graal" websites where "Stephane Portha" was having online feuds and arguments with  
 22 other players of the game. Special Agent Farquhar theorized that a student at the  
 23 Darrington schools had played this game "Graal" online and had angered this "Stephane  
 24 Portha" person. He further theorized that as a result, "Stephane Portha" sent the  
 25 threatening emails in retaliation. All indications showed "Stephane Portha" was a real  
 26 person in France who frequented "Graal" websites and played "Graal."

27 14. Special Agent Farquhar asked Dayn Brunner, the Schools Network  
 28 Administrator, to check all of his computer logs for any students playing the "Graal"

1 game online or anyone visiting a "Graal" website. Special Agent Farquhar also asked  
 2 Dayne Brunner to try to find any link between the name of "Stephane Portha" and the  
 3 Darrington School District.

4       15. Dayn Brunner discovered a website called "The Graal Independent  
 5 Freedom Council" which he found on the Internet and not on the school's networks. On  
 6 this website, there were numerous postings from a person called "Viper" referencing the  
 7 name "Stephane Portha". The postings from "Viper" seem to attack "Stephane Portha"  
 8 and "Jessica Peterson" calling them Nazi fascist, terrorists, and thugs. The postings list a  
 9 reply address of "[elroylamont@glacierview.net](mailto:elroylamont@glacierview.net)".

10      16. Dayn Brunner explained that "glacierview.net" is the one and only Internet  
 11 Service Provider located in Darrington, Washington. Mr. Brunner surmised that  
 12 [elroylamont@glacierview.net](mailto:elroylamont@glacierview.net) was possibly a student at Darrington High School because  
 13 glacierview.net only operates in and around the Darrington, Washington, area. Mr.  
 14 Brunner was also able to determine that the email address "[elroylamont@glacierview.net](mailto:elroylamont@glacierview.net)"  
 15 belonged to a Nancy Cope of 34806 SR 530, Arlington, Washington, 98223.

16      17. On May 18, 2004, Sergeant Rick Hawkins and Deputy Steven Haley of the  
 17 Snohomish County Sheriff's Office, and Special Agent David Farquhar and I responded  
 18 to the address of 34806 SR 530, Arlington, Washington, 98223.

19      18. Nancy Cope answered the door and related she had an 18 year-old son  
 20 named ELROY LAMONT who lived with her. Nancy Cope agreed to allow us to speak  
 21 with her son and LAMONT agreed to talk with us.

22      19. During that interview, LAMONT admitted to sending the threatening  
 23 emails to the Darrington School District. LAMONT said he was bored and wanted to see  
 24 what would happen if he sent a bomb threat to the Darrington Schools. He obtained the  
 25 email addresses of the Darrington Schools' faculty and staff from the Darrington Schools  
 26 website.

27      20. LAMONT admitted that he used programs called "Phasma5" and  
 28 "SocksCap" to forge the email addresses contained in the threatening messages and to

route the emails through numerous servers to confuse investigators. Specifically, LAMONT forged the email address of picard@voila.fr. He said there was no such person but thought "picard" sounded like a French name.

21. LAMONT stated that he picked the email address of stephane@cyberjoueurs.com because "Stephane Portha" was a real person and he was trying to throw suspicion onto that individual. LAMONT said he met "Stephane Portha" online and did not like him.

22. After sending the first threatening email to Darrington Schools, LAMONT watched the news and did not see anything about it so he sent the second, more threatening, email.

23. LAMONT related that he had also emailed a bomb threat to Arlington Schools and three other Schools in New Jersey. LAMONT said he also forged the email address of jessicapeterson@wanadoo.nl for the email he sent to Arlington Schools.

24. LAMONT said that he would frequently use the online alias name of "Viper" when posting messages online. LAMONT told me he got the idea of threatening to use an ammonia nitrate bomb referenced in the emails from reading the story of Timothy McVeigh and the Oklahoma City Bombings.

25. Based on the above facts, I believe that there is probable cause for the arrest of ELROY JOHN LAMONT, charging him with three counts of violating Title 18, United States Code, Section 844(e).

REID NAKAMURA, Complainant  
Special Agent, Federal Bureau of Investigation

Complaint and affidavit sworn to before me and subscribed in my presence, May 21, 2004.

**MONICA J BENTON**  
United States Magistrate Judge

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COMPLAINT/Lamont - 8

UNITED STATES ATTORNEY  
601 UNION STREET, SUITE 5100  
SEATTLE, WASHINGTON 98101-3903  
(206) 553-7970